

FRANKIS, mag

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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MARK NUNEZ; RODNEY BRYE, SHAMEIK SMALLWOOD;
TRAVIS WOODS; RALPH NUNEZ; KEITH BACOTE; JOSE
DEGROS; CHRISTOPHER GRAHAM; SONNY ORTIZ;
CLIFFORD SEWELL; and LESLIE PICKERING,

Plaintiffs,

vs.

CITY OF NEW YORK; DORA SCHRIRO, FLORENCE FINKLE,
MICHAEL HOURIHANE, CARMINE LABRUZZO, MARK
SCOTT, LARRY DAVIS, SR.; WARDENS ROSE AGRO,
EMMANUEL BAILEY, ROBERT CRIPPS, EDMUND DUFFY,
RONALD JORGENSEN, EVELYN MIRABAL, KATHLEEN
MULVEY; DEPUTY WARDEN ERIC RAMOS; ASSISTANT
DEPUTY WARDEN DANIELLE JOHNSON; CAPTAINS
WILLIAMS, MAJORS, MASSEY, BEHARI (Shield # 1603),
SISTRUNK, BAIARDI, FADIMA (Shield #1298), THEO PRIMM
(Shield # 1497), SHERMA DUNBAR (Shield # 717), HERMAN
MEDINA; CORRECTIONS OFFICERS KIRKLAND,
REGINALD ROTHWELL (Shield # 18101), TODD
BRISHINSKY, SALLEY, SIDNEY DAVIES (Shield # 13893),
MALCOM DAVIS (Shield # 841), OMAR ALSTON (Shield #
14091), WALTER DEAN (Shield # 17183), ATEEN WILLIAMS
(Shield # 17038), ROBERT ORLANDI (Shield # 15929), LOUIS
LEONARD (Shield # 3479), CORY HUGHES (Shield # 18516),
SANDY ARKHURST (Shield # 18507), ERIC THOMPSON
(Shield # 18488), QUINN (Shield # 18532), REMY (Shield #
17286), JASON SOTO (Shield #18062), BUTTONS, ANTONIO
BRAVO (Shield # 17297), SANTIAGO, TUTEIN (Shield # 1643);
ROBERT LAMAR (Shield # 18472), HADDON BAILLIE (Shield
10470), GUTIERREZ (Shield # 11461), "JANE" JONES,
"JOHN" GREGG, THOMAS, EDWIN SLOLY (Shield # 11678),
and JOHN/JANE DOES #1-64,

Defendants.

-----X
IT IS HEREBY STIPULATED AND AGREED, by and between plaintiffs Mark Nunez,

Rodney Brye, Shameik Smallwood, Travis Woods, Ralph Nunez, Keith Bacote, Jose DeGros,

Christopher Graham, Sonny Ortiz, Clifford Sewell, and Leslie Pickering ("Plaintiffs") and

11-cv-5845
(LTS) (JCF)

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**STIPULATION &
PROPOSED
ORDER TO
FILE SECOND
AMENDED
COMPLAINT**

ECF CASE

USDS SDNY
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defendants City of New York (the "City") and Dora B. Schriro ("Schriro"), by and through their undersigned counsel, as follows:

1. Plaintiffs may file and serve the Second Amended Complaint attached hereto as Exhibit I, which adds plaintiff Oscar Sanders as a proposed class representative and adds, or supplements allegations against, certain defendants (the City of New York, Carmine LaBruzzo, Florence Finkle, Michael Hourihane, Mark Scott, Dora Schriro, Warden Carlton Newton, Deputy Warden Eric Ramos, Captain Declet, CO Sanchez, CO Lorenzo, CO Bertrand, CO Weldon, John/Jane Does #65-66). Among other things, the Second Amended Complaint also corrects the rank and spelling of the names of certain defendants already named in the amended complaint filed on May 24, 2012 (the "Amended Complaint") (Captain Fadina, Captain Jones, CO Paul Bunton, CO Malcolm Davis, CO Aadam Glenn), and identifies certain John/Jane Doe defendants enumerated in the Amended Complaint (Captain O'Connor, CO Diaz, CO Adrian Davis, CO Negron, CO Jean-Simon, CO McMorris, CO Roman, and CO Stultz).

2. With respect to the defendants already served with the summons and the Amended Complaint,¹ the City agrees to inform Plaintiffs' counsel by September 14, 2012 which of these defendants it will represent in this action. The City agrees to accept service of the Second Amended Complaint on behalf of these defendants effective as of the date on which this Stipulation is so-ordered by the Court.

¹ The City of New York, Dora Schriro, Florence Finkle, Michael Hourihane, Carmine LaBruzzo, Mark Scott, Larry Davis, Sr., Rose Agro, Emmanuel Bailey, Robert Cripps, Edmund Duffy, Ronald Jorgensen, Evelyn Mirabal, Kathleen Mulvey, Eric Ramos, Danielle Johnson, Williams, Majors, Massey, Behari, Sistrunk, Fadina, Theo Primm, Sherma Dunbar, Herman Medina, Kirkland, Reginald Rothwell, Todd Brishinsky, Salley, Sidney Davies, Malcolm Davis, Omar Alston, Walter Dean, Ateen Williams, Robert Orlandi, Louis Leonard, Cory Hughes, Sandy Arkhurst, Eric Thompson, Quinn, Remy, Jason Soto, Paul Bunton, Antonio Bravo, Santiago, Tutcin, Robert Lamar, Haddon Baillie, Gutierrez, Thomas, Edwin Sloly.

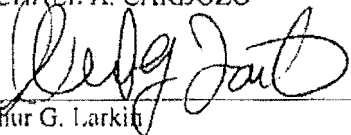
3. With respect to the defendants who have not been served with summons and the Amended Complaint,² Plaintiffs will serve these defendants with summons and the SAC. The City agrees to inform Plaintiffs' counsel by September 14, 2012 which of these defendants it will represent in this action.

4. The City, and all defendants represented by the City, shall move, answer or otherwise respond to the Second Amended Complaint on or before September 28, 2012.

5. This Stipulation can be executed in counterparts by facsimile or scanned signatures.

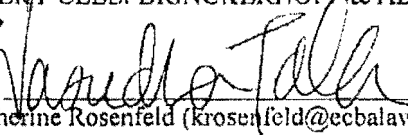
Dated: August 30, 2012
New York, New York

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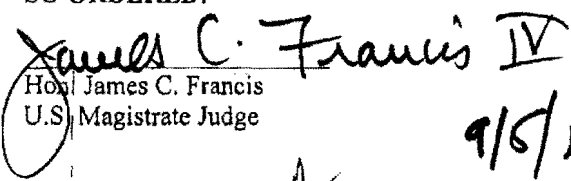
Counsel for Plaintiffs Mark Nunez, Rodney Brye,

² Carlton Newton, Richard O'Connor, Deelet, Ashaki Jones, Carlos Diaz, Adrian Davis, Aadam Glenn, Negron, Jean-Simon, Jamar Morris, Jaime Roman, Selvin Stultz, Sanchez, Lorenzo, Bertrand, Weldon.

*Shameik Smallwood, Travis Woods, Ralph Nunez,
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*Counsel for Plaintiffs Rodney Bbye, Shameik
Smallwood, and Travis Woods, in their capacities
as potential class representatives*

SO ORDERED:


Hon. James C. Francis
U.S. Magistrate Judge

9/5/12